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Marriages—Registration of. (Act of Mar. 31, 1913.)

SECTION 1. That the State board of health of Delaware shall have charge of the registration of marriages; prepare the necessary methods, forms and blanks for obtaining and preserving such records and to insure the faithful registration of the same in the hundreds, cities, counties (with the recorder of deeds of each county), and in the central bureau of vital statistics of the State. The said board shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall from time to time promulgate any additional forms and amendments that may be necessary for this purpose.

SEC. 2. That the secretary of the State board of health shall be the State registrar of vital statistics, and shall have general supervision over the central bureau of vital statistics, which is hereby authorized to be established by said board, and which shall be under the immediate direction of the said State registrar, and who shall be a medical practitioner of not less than 5 years' practice in his profession, and competent vital statistician. The State registrar of vital statistics shall receive an annual salary to be fixed by the State board of health, payable quarterly. The State board of health shall provide for such clerical and other assistants as may be necessary for the purpose of this act, who shall serve during the pleasure of the board, and may fix the compensation of persons thus employed within the amount appropriated therefor by the legislature. Suitable equipment shall be provided for the bureau of vital statistics, which shall be properly equipped with filing cases for the permanent and safe preservation of all official records made and returned under this act.

SEC. 3. That for the purposes of this act the State shall be divided into vital statistics registration districts by the State board of health; provided, however, that the city of Wilmington shall be one of the vital statistics registration districts of the State.

SEC. 4. The State board of health shall appoint a local registrar of vital statistics for each vital statistics registration district in the State and the State registrar shall approve of the deputy to act in case of the illness or absence of the local registrar; provided, however, that the State board of health shall appoint the registrar of births, deaths, and marriages of the city of Wilmington the local registrar of the vital statistics registration district of Wilmington as provided in section 3.

The term of office of local registrar appointed by said board and their deputies shall be for two years, beginning with the 1st day of May, 1913, and shall continue in office as such until removed or the election of a successor; provided, however, that the term of office of the local registrar of the vital statistics registration district of Wilmington shall commence and end with the term of office of the registrar of births, deaths, and marriages of the city of Wilmington.

Any local registrar appointed by said board or his deputy who fails or neglects to discharge efficiently the duties of his office as laid down in this act, or who fails to comply with the rules of the State board of health, or who fails to make prompt and complete returns of marriages as required hereby, shall be forthwith removed from his office by the State board of health, and his successor appointed, in addition to any other penalties that may be imposed for failure or neglect to perform his duty, under this act.

Each local registrar appointed by said board shall immediately upon his acceptance of appointment as such appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness, or disability, said deputy registrar shall in writing accept such appointment, and shall be subject to all laws, rules, and regulations governing the action of local registrars. And when it may appear necessary for the convenience of the people in any district the local registrar is hereby authorized, with the approval of the State registrar, to appoint one or more suitable persons to act as local subregistrar, who shall be authorized to receive marriage certificates in and for such portions of the district as may be designated; and each local subregistrar shall note, over his signature, the date on which each certificate was filed, and shall forward all certificates to the local registrar of the district within 10 days after receiving the same, and in all cases before the third day of the following month; provided, that all subregis-

trars shall be subject to the supervision and control of the State registrar, and may be by him removed for neglect or failure to perform the rules and regulations of the State board of health and the State registrar, and they shall be liable to the same penalties for neglect of duties as the local registrar.

Every certificate of marriage shall be written legibly, in unfading black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for in this act, or satisfactorily account for their omission.

SEC. 5. That the State registrar shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State registrar. He shall carefully examine the certificates received from the local registrars, and if any such are incomplete and unsatisfactory he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory. He shall further arrange, bind, and permanently preserve the certificates in a systematic manner.

SEC. 6. Each local registrar shall be required to make three correct copies of each marriage certificate received that is properly and completely made out, one copy of which shall be kept by the local registrar making the same, one copy shall be forwarded to the State registrar of the State board of health, and one copy shall be forwarded to the recorder of deeds of the county in which the vital statistic registration district of said local registrar is located. For each copy of a marriage certificate properly and completely made out and forwarded to the said recorder of deeds, the local registrar shall be paid the sum of 25 cents by the treasurer of the county in which the vital statistic registration district of said local registrar is located; provided, however, that the board of health of the city of Wilmington or the proper officer thereof shall be paid the sum of 25 cents for each copy of a marriage certificate properly and completely made out and forwarded to the recorder of deeds of Newcastle County by the registrar of births, deaths, and marriages of the city of Wilmington. The deputy registrar and the subregistrar shall be paid the sum of 10 cents for each certificate received and returned by them as provided in section 4 of this act, and the said sum of 10 cents shall be deducted from the amount payable to the local registrar for forwarding the copy of the marriage certificate to the recorder of deeds. All sums payable under the provisions of this section shall be paid quarterly by the treasurers of the several counties.

SEC. 7. The recorder of deeds of each county in Delaware shall be furnished with loose-leaf binders for marriages, into which he shall place in proper order the returns of marriages immediately on the receipt of same from the different local registrars of the county of which he is the recorder of deeds; said returns shall be made quarterly by the said local registrars. The binders shall be plainly marked: "Register of Marriages," and shall be part of his official records. All said registers shall at all times be accessible to physicians, clergymen, and lawyers without charge.

Each local registrar shall be furnished with loose-leaf binders similar to those furnished the recorder of deeds, and shall file his quarterly copy in same manner as the recorder of deeds. The State registrar shall be furnished with loose-leaf binders and shall file the quarterly copies in same manner as the recorders of deeds.

SEC. 8. That the State registrar or recorder of deeds shall, upon request, furnish any applicant a certified copy of the record of marriage registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of 50 cents, to be paid by the applicant. And the record or any such copy of the record of a marriage, when properly certified by the State registrar or county recorder of deeds to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the State registrar or recorder of deeds shall be entitled to a fee of 50 cents for each hour or fractional part of an hour of time of search, to be paid by the applicant.

SEC. 9. And any local registrar or deputy registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the State registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10 nor more than \$100.

And any person who shall willfully alter any certificate of marriage, or the copy of any certificate of marriage, on file in the office of the local registrar shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10 nor more than \$100, or be imprisoned in the county jail not exceeding 60 days, or suffer both fine and imprisonment, in the discretion of the court. And any other persons or persons who shall violate any of the provisions of this act, or who shall willfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information for the purpose of making incorrect certification of marriage shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$5 nor more than \$100.

SEC. 10. It shall be the duty of any person, and of the clerk or keeper of the records of any religious society by or before whom any marriage or marriages may hereafter be solemnized or contracted, to make full and complete return of the same, on blanks furnished by the State registrar of vital statistics, on or before the last day of the month in which said marriage or marriages were solemnized or contracted, to return the certificate or certificates of such marriage or marriages to the local registrar of the district in which said marriage or marriages were solemnized or contracted. A separate form shall be used for each marriage reported. All such certificates shall be filed according to their dates.

That for each marriage certificate properly and completely made out and registered with the local registrar or local subregistrar of the district in which the marriage occurred the maker thereof shall receive the sum of 10 cents. The local registrar shall certify to the State registrar the amount thus due each person on the first day of each year. The State registrar shall then draw by warrant from the county treasurer of each county the amount due each person for said certificates in each county, provided said amount shall tally with the marriage certificates registered in the bureau of vital statistics, and shall immediately on receiving said moneys from said county treasurer pay said persons as provided in this section. Any person or clerk of record, as in this section hereinbefore designated, shall within 24 hours report said marriage to the State registrar of vital statistics on a form supplied by the State registrar. This form shall contain the following information: Name of groom, residence of groom, name of bride, residence of bride, date of marriage, place of marriage, name of person or clerk solemnizing marriage.

This report shall in no way supplant or relieve any responsibility for filing a certificate of the marriage as provided for in this act. Any person or clerk failing to make a report as herein provided shall be liable to the penalties provided in section 14 of this act.

SEC. 11. If any person or clerk of any society, by or before whom marriages may be solemnized, shall neglect or refuse to comply with the duties imposed on such person or persons, by any part or parts of this act, he shall be fined not less than \$5 or more than \$25 for each and every case so neglected or refused; to be recovered before any justice of the peace. No penalties under this section to interfere with the specific penalties laid down in section 14 of this act.

SEC. 12. It shall be the duty of the clergymen, or ministers of religion of all denominations, and all clerks or keepers of records of societies, and all other persons, by or before whom any marriage may hereafter be solemnized, or contracted, on or before the 1st day of July, 1913, and hereafter of all such persons as may occupy the positions herein mentioned in this State, to report his, or her, or their name or names, their occupations and places of residence, to the State registrar of vital statistics to have the same alphabetically registered in a suitable book to be by him provided for the purpose. In the event of any of the persons above specified removing to any

other place of residence within the State, it shall be the duty of such person to notify the State registrar of vital statistics of the fact within 30 days after such removal; and if any person as above mentioned shall neglect or refuse to comply with the requirements of this section, he shall be fined not less than \$5, nor more than \$10; to be recovered as provided in section 16.

SEC. 13. That all marriages in the State shall be immediately registered in the districts in which they occur, as provided by this act. It shall be the duty of any person, and of the clerk or keeper of the records of any religious society, by or before whom any marriage or marriages may hereafter be solemnized or contracted, to make full and complete return of the same, on blanks furnished by the State registrar of vital statistics, on or before the last day of the month in which said marriage or marriages were solemnized or contracted, to return the certificate or certificates of such marriage or marriages to the local registrar of the district in which said marriage or marriages were solemnized or contracted. Said certificate shall contain:

- (1) Date of this marriage.
- (2) Full name of groom.
- (3) Groom's present residence.
- (4) Age of groom.
- (5) Race of groom.
- (6) Occupation of groom.
- (7) Nativity of groom.
- (8) Is groom single, married, or divorced.
- (9) Name of groom's father and his nativity.
- (10) Maiden name of groom's mother and her nativity.
- (11) Number of groom's marriage.
- (12) Full name of bride.
- (13) Bride's present residence.
- (14) Age of bride.
- (15) Race of bride.
- (16) Nativity of bride.
- (17) Is bride single, widowed, or divorced.
- (18) Bride's maiden name if widowed or divorced.
- (19) Name of bride's father and his nativity.
- (20) Name of bride's mother and her nativity.
- (21) Number of bride's marriage.
- (22) Name of person performing ceremony.
- (23) Residence of person performing ceremony.
- (24) Occupation, and if a clergyman, religious denomination of person performing ceremony.
- (25) Name and residence of witness or witnesses (not more than three) to the marriage.

All returns shall be made on forms furnished by the State registrar. A separate form shall be used for each marriage reported. All such certificates shall be filed according to their dates.

SEC. 14. If any clergyman, or person, or clerk of any society by or before whom marriages may be solemnized shall neglect or refuse to comply with the duties imposed on such person or persons by any part or parts of this act, shall be fined not less than \$5 or more than \$25 for each and every case so neglected or refused, to be recovered before any justice of the peace. No penalties under this section to interfere with the specific penalties laid down in section 16 or any other section of this act.

SEC. 15. That any clerk of the peace or magistrate issuing a marriage license shall, within 24 hours, notify the State registrar of vital statistics of such fact on a form supplied by the State registrar of vital statistics. This form shall contain the following information: (1) Name of groom, (2) residence of groom, (3) name of bride, (4) residence of bride, (5) date of issuing said license, (6) name of person issuing said license.

That any clerk of the peace or magistrate violating any provisions of this section shall be fined as provided for in this act.

SEC. 16. That local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their several districts, under the supervision and direction of the State registrar. And they shall make an immediate report to the State registrar of any violation of this law coming to their notice by observation or upon complaint of any person, or otherwise. The State registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local registrars, to the end that all of its requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all local registrars shall aid him, upon request, in such registration. For any violation of this act or parts thereof the State registrar may bring action against the violator before any justice of the peace and from his decision there shall be no appeal. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the attorney general of Delaware, with a statement of the facts and circumstances; and when any such case is reported to him by the State registrar, the attorney general shall forthwith initiate and promptly follow up the necessary proceedings against the parties responsible for the alleged violations of law.

SEC. 17. That the sum of \$1,000, or such portion thereof as may be necessary to carry into effect the provisions of this act, annually shall be appropriated for the carrying into effect the provisions of this act, and the same is hereby appropriated out of any funds in the hands of the State treasurer not otherwise appropriated, and for the annual expenses of the same thereafter. The said appropriation shall be paid to the State board of health as other funds are paid to them, and said appropriation shall be known as vital statistics appropriation.

SEC. 18. That the State registrar shall furnish postal cards and stamped envelopes, and such other stationery as may be necessary for the proper carrying into effect the provisions of this act. All such cards and envelopes shall be marked: "State board of health, official business." Any person using such State property for any but official business shall, on conviction thereof, be fined not less than \$50 nor more than \$200.

The above-mentioned postal cards or stamped envelopes or stationery may be used for reporting any contagious or infectious diseases to the State registrar of vital statistics or any official of the State board of health, or for any official business of said State registrar or State board of health, or to the same.

SEC. 19. No system for the registration of marriages shall be continued or maintained in any of the several municipalities of this State, unless they are in harmony with the provisions of this act.

SEC. 20. That from the decision of the justice of the peace, under any of the provisions of this act, there shall be no appeal.

SEC. 21. The secretary of state is hereby authorized and directed to have 1,000 copies of this act printed and delivered to the State registrar, within 60 days after the passage of this act.

SEC. 22. That any section or sections of this act, or part or parts of such, may be put into operation by the State board of health and have the force of law, at any time before July 1, 1913.

That on July 1, 1913, every section of this act shall be in force.

SEC. 23. That all fines recovered under this act before any justice of the peace shall be paid to the treasurer of the State and applied to the general fund of the State.

That the costs in all cases shall be paid by the person fined.

SEC. 24. That on and after January 1, 1914, all yearly statistical reports shall begin on January 1.

SEC. 25. That all acts and parts of acts, inconsistent with the provisions of this act or supplied by this act, are hereby repealed.